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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/128,580	08/04/98	GILLIHAN	T KLR:7146.017
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LM31/1208  
CHERNOFF VILHAUER MCCLUNG AND STENZEL  
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PORTLAND OR 97258

EXAMINER

POPOVICI, D

ART UNIT

PAPER NUMBER

2722

DATE MAILED:

12/08/99

*3*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/128,580

Applicant(s)

Gillihan et al.

Examiner

Dov Popovici

Group Art Unit

2722

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-18 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

*Dov Popovici*  
**DOV POPOVICI**  
**PRIMARY EXAMINER**

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Pavlovic et al (U.S. 5,715,379).

As to claim 1, Pavlovic et al discloses a print engine for a printer (see figure 1) comprising: (a) a first process that receives a document to be printed on a printer (receiving document to be printed in spool 106); (b) a second process (110 and see column 4, lines 36-43) that examines the document to select which of a plurality of third processes (110a, 110b, 110c or 110d) is suitable to parse the printer description language of the document; (c) a first one of the plurality of third processes (110a) processing the document using a first PDL (i.e., PostScript) in response to the selection of the second process (110 and see column 4, lines 36-43); (d) a second one of the plurality of third processes (110b) processing the document using

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a second PDL (i.e., PCL) in response to the selection of the second process (110 and see column 4, lines 36-43); and (e) the second process (110 and see column 4, lines 36-43) not terminating prior to the selected third process parsing the document.

As to claim 2, Pavlovic et al discloses wherein the second process (110 and see column 4, lines 36-43) continues to examine the document for synchronization data while the third process parses the document.

As to claim 3, Pavlovic et al discloses wherein the second process (110 and see column 4, lines 36-43) is a PDL determination process and the first process (receiving data in spool 106) is a data receiver process.

As to claim 4, Pavlovic et al discloses wherein the third processes (110a, 110b, 110c and 110d) are PDL parsing processes for different PDL (i.e., PostScript, PCL, TIFF and ASCII).

As to claim 5, Pavlovic et al discloses a master control process (108) that receives and responds to internal and external data sensor input.

As to claim 6, Pavlovic et al discloses wherein the first PDL is selected from the group of HP-PCL and PostScript (see figure 2).

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As to claim 7, Pavlovic et al discloses (a) the first process receives a plurality of documents (in spool 106); and (b) the second process (110 and see column 4, lines 36-43) examines each of the plurality of documents to select which of the plurality of third processes (110a-110d) are suitable to parse the PDL of each of the respective documents.

As to claim 8, Pavlovic et al discloses (a) the second process (110 and see column 4, lines 36-43) examines the plurality of documents for synchronization data; and (b) the second process (110 and see column 4, lines 36-43) examining the document for the synchronization data simultaneously with the selected third process (110a-110d) parsing the document.

As to claim 9, Pavlovic et al discloses (a) the selected third process detecting an error within one of the documents; and (b) the second process initializing a different one of the selected third processes in response to the selected third process detecting an error within the document (see column 10, lines 3-14).

As to claim 10, Pavlovic et al discloses a method of printing documents comprising the steps of: (a) receiving a document to be printed on a printer (in spool 106); (b) examining the document (110 and see column 4, lines 36-43) to select one of

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a plurality of parsers (110a-110d) suitable to parse the PDL of the document; (c) in response to step (b) processing the document by selecting at least one of a first PDL (110a) and a second PDL (110b); and (d) the examining of step (b) continuing to examine the document for synchronization data while the processing of step (c).

As to claim 11, Pavlovic et al discloses wherein the receiving of step (a) is a data receiver process (receiving data in spool 106).

As to claim 12, Pavlovic et al discloses wherein the examining of the document of step (b) is a PDL determination process (110 and see column 4, lines 36-43).

As to claim 13, Pavlovic et al discloses wherein the processing of step c) are PDL parsing (110a-110d) processes for different PDL's.

As to claim 14, Pavlovic et al discloses providing a master control process (108) that receives and responds to internal and external data sensor input.

As to claim 15, Pavlovic et al discloses wherein the first PDL (110a or 110b) is selected from the group of HP-PCL and PostScript (see figure 2).

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As to claim 16, Pavlovic et al discloses (a) receiving a plurality of documents (in spool 106); and (b) examining (110 and see column 4, lines 36-43) each of the plurality of documents to select which PDL (110a-110d) is suitable to parse the PDL of each of the respective documents (see figures 1-2).

As to claim 17, Pavlovic et al discloses (a) examining (110 and see column 4, lines 36-43) the plurality of documents for synchronization data; and (b) examining the documents (110 and see column 4, lines 36-43) for the synchronization data while the processing the document by the selecting the at least one of the first PDL (110a) and the second PDL (110b).

As to claim 18, Pavlovic et al discloses (a) detecting an error within one of the documents; and (b) initializing a different one of the selected the at least one of the first PDL and the second PDL (see column 10, lines 3-14).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8 and 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Steeves et al (U.S. 5,075,874).

As to claim 1, Steeves et al discloses a print engine for a printer (see figure 1) comprising: (a) a first process that receives a document to be printed on a printer (receiving document to be printed in buffers 23-26); (b) a second process (100) that examines the document to select which of a plurality of third processes (104, 106, 108, 110, 112 and 126) is suitable to parse the printer description language of the document; (c) a first one of the plurality of third processes (126) processing the document using a first PDL (i.e., PostScript) in response to the selection of the second process (100); (d) a second one of the plurality of third processes (104) processing the document using a second PDL (i.e., PCL) in response to the selection of the second process (100); and (e) the second process (100) not terminating prior to the selected third process (104, 106, 108, 110, 112 or 126) parsing the document.

As to claim 2, Steeves et al discloses wherein the second process (100) continues to examine the document for synchronization data while the third process parses the document.



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As to claim 3, Steeves et al discloses wherein the second process (100) is a PDL determination process and the first process (receiving data in buffers 23-26) is a data receiver process.

As to claim 4, Steeves et al discloses wherein the third processes (104, 106, 108, 110, 112 or 126) are PDL parsing processes for different PDL (i.e., PostScript, DIABLO, EPSON and PCL).

As to claim 5, Steeves et al discloses a master control process (64,66) that receives and responds to internal and external data sensor input.

As to claim 6, Steeves et al discloses wherein the first PDL is selected from the group of HP-PCL and PostScript (see figure 3).

As to claim 7, Steeves et al discloses (a) the first process receives a plurality of documents (in buffers 23-26); and (b) the second process (100) examines each of the plurality of documents to select which of the plurality of third processes (104, 106, 108, 110, 112 or 126) are suitable to parse the PDL of each of the respective documents.

As to claim 8, Steeves et al discloses (a) the second process (100) examines the plurality of documents for

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synchronization data; and (b) the second process (100) examining the document for the synchronization data simultaneously with the selected third process (104, 106, 108, 110, 112 or 126) parsing the document.

As to claim 10, Steeves et al discloses a method of printing documents comprising the steps of: (a) receiving a document to be printed on a printer (in buffers 23-26); (b) examining the document (100) to select one of a plurality of parsers (104, 106, 108, 110, 112 or 126) suitable to parse the PDL of the document; (c) in response to step (b) processing the document by selecting at least one of a first PDL (126) and a second PDL (104); and (d) the examining of step (b) continuing to examine the document for synchronization data while the processing of step (c).

As to claim 11, Steeves et al discloses wherein the receiving of step (a) is a data receiver process (receiving data in buffers 23-26).

As to claim 12, Steeves et al discloses wherein the examining of the document of step (b) is a PDL determination process (100).

As to claim 13, Steeves et al discloses wherein the processing of step c) are PDL parsing (104, 106, 108, 110, 112 or 126) processes for different PDL's.

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As to claim 14, Steeves et al discloses providing a master control process (64,66) that receives and responds to internal and external data sensor input.

As to claim 15, Steeves et al discloses wherein the first PDL (126 or 104) is selected from the group of HP-PCL and PostScript (see figure 3).

As to claim 16, Steeves et al discloses (a) receiving a plurality of documents (in buffers 23-26); and (b) examining (100) each of the plurality of documents to select which PDL (104, 106, 108, 110, 112 or 126) is suitable to parse the PDL of each of the respective documents (see figures 1 and 3).

As to claim 17, Steeves et al discloses (a) examining (100) the plurality of documents for synchronization data; and (b) examining the documents (100) for the synchronization data while the processing the document by the selecting the at least one of the first PDL (126) and the second PDL (104).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pavlovic et al (U.S. 5,715,379) or Steeves et al (U.S. 5,075,874) in view of Niihara et al (U.S. 5,854,940).

As to claims 9 and 18, Pavlovic et al or Steeves et al do not teach (a) the selected third process detecting an error within one of the documents; and (b) the second process initializing a different one of the selected third processes in response to the selected third process detecting an error within the document. Niihara et al teaches a printing system with a language determining device, wherein, the selected language interpreter detecting an error within one of the documents, the language determination initializing a different one of the languages interpreters to be selected in response to the selected interpreter detecting an error within the document. Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to have modified Pavlovic et al or Steeves et al wherein: (a) the selected third process detecting an error within one of the documents; and (b) the second process initializing a different one of the selected third

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processes in response to the selected third process detecting an error within the document. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Pavlovic et al or Steeves et al by the teaching of Niihara et al because of the following reason(s): (1) so that when the selected interpreter detects an error within one of the documents, a PDL determination process selects a different PDL interpreter in order to process the data; (2) when the selected interpreter detects an error within one of the documents, a language determination is made in order to determine in what language the next document is in, so that the next document can be processed by the correct interpreter.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watanabe (U.S. 5,852,709) teaches control language determination and selection.

Callister et al (U.S. 5,222,200) teaches automatic printer data stream language determination.

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Campbell et al (U.S. 5,555,435) teaches automatic language boundary identification for a printer.

Landau (U.S. 5,828,817) teaches neural network recognizer for PDLs.

Bringmann (U.S. 5,293,466) teaches selecting interpreter for printer command language based on sample print job.

Walton (U.S. 5,392,419) teaches language identification system for a printer.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dov Popovici whose telephone number is (703) 305-3830.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:

(703) 306-5406 (for formal communications intended for entry)

(703) 308-5397 (for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

Serial Number: 09/128,580

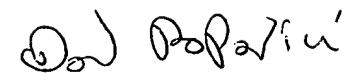
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or hand-carried to:

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Arlington. VA.  
Sixth Floor (Receptionist)

Dov Popovici  
November 24, 1999



**DOV POPOVICI**  
**PRIMARY EXAMINER**

Dov Popovici  
Primary Examiner  
Art Unit 2722